

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2010**

Committee of the Whole 7:30 P.M.  
Stated Meeting 8:00 P.M.  
City Council Chambers

TIME:\_\_\_\_\_

PRESENT:           PRESIDENT OF THE COUNCIL  
                      CHUCK LESNICK

DISTRICT:

1	MAJORITY LEADER PATRICIA D. McDOW
5	MINORITY LEADER JOHN .M. MURTAGH

COUNCIL MEMBERS:  
DISTRICT:

2	WILSON A. TERRERO
3	JOAN GRONOWSKI
4	DENNIS E. SHEPHERD
6	JOHN LARKIN

Recitation of the Pledge of Allegiance to the Flag followed by a moment of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on April 27, 2010 approved on motion of Majority Leader Patricia McDow.

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**OLD BUSINESS**

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**COMMUNICATIONS FROM CITY OFFICIALS**

1. FROM LEE ELMAN OF THE YONKERS PLANNING BOARD RE: SEQRA  
LEAD AGENCY DETERMINATION/COORDINATED REVIEW  
(YONKERS ANIMAL SHELTER) DATED MAY 3, 2010  
ON DESKS

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**COMMUNICATIONS - GENERALLY**

1. FROM THE EDWARD BURROUGHS OF THE WESTCHESTER COUNTY PLANNING BOARD: IN A LETTER DATED APRIL 28, 2010. RE: ZONING TEXT AMENDMENT, "DEFINITIONS AND USES". THE BOARD NOTIFIES THE CITY THAT THERE ARE NO COUNTY OR INTER-MUNICIPAL PLANNING ISSUES OF CONCERN TO THE COUNTY PLANNING BOARD. ON DESKS
  
2. FROM THE TOWN OF EASTCHESTER; A LETTER DATED APRIL 29, 2010 RE: NOTICE THAT THE ARCHITECTURAL REVIEW BOARD WILL HOLD A PUBLIC HEARING ON MAY 6, 2010 AT 7:00PM AT THE TOWN OF EASTCHESTER TOWN HALL, 40 MILL ROAD, EASTCHESTER, NEW YORK ON THE APPLICATION OF 70 GARTH ROAD.  
ON DESKS

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**COMMITTEE OF THE WHOLE**

**AGENDA**  
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**PUBLIC HEARING**

**PROPOSED RESOLUTION**

A PUBLIC HEARING TO HONORARILY RE-NAME THE INTERSECTION OF LAMARTINE AVENUE AND LAMARTINE TERRACE IN MEMORY OF PFC. GEORGE LATHAN.

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**OLD BUSINESS**

**RESOLUTION**

1. BY: MAJORITY LEADER McDOW, COUNCIL PRESIDENT LESNICK, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

Whereas, many Yonkers Residents enlisted in the Armed Forces and have fought in many wars not only defend our country but also our allies, and

Whereas, George Lathan was born November 8, 1949 and resided in the City of Yonkers, New York at 28 Lamartine Terrace. He was an active baptized member of Messiah Baptist Church and graduated from the High School of Commerce in 1967 where he was active in basketball, baseball and football, and

Whereas, after graduation, George Lathan immediately enlisted in the United States Army, and

Whereas, Private First Class George Lathan was sent to Saigon, Vietnam. He was a member of Company A 2nd Battalion (101st Airborne) 327 Infantry and was mortally wounded on Sunday, April 28, 1968 in Phu Bai, Republic of Vietnam, and

Whereas, Pfc. Lathan's mother, Mrs. Rosemyer Lathan received the Bronze Star and the Purple Heart posthumously, and

Whereas, the awards for bravery were for this heroism in ground combat against a hostile force in the Republic of Vietnam. Pfc. George Lathan distinguished himself while on a combat operation near Phu Bai, Republic of Vietnam, and

Whereas, Pfc. Lathan's Platoon was under attack by an undetermined size enemy force. He suffered a wound from an enemy grenade in the initial firing, but Pfc. Lathan continued to fire and maneuver, enabling the elements of his platoon to gain fire superiority. Disregarding his own safety, Pfc. George Lathan exposed himself to the hostile fire, personally killing the sniper and succeeded in routing two others and as he maneuvered to another firing position he was mortally wounded by enemy fire. His actions contributed greatly to the successful routing of the enemy by his platoon, and



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**RESOLUTION (CONTINUED)**

Whereas, Pfc. George Lathan's personal bravery and devotion to duty were in keeping with the highest tradition of the military service and reflect great credit upon himself; his unit; his community; City of Yonkers; Westchester County; State of New York ; the United States and the United States Army, and

Whereas, Pfc. George Lathan was the 21st Yonkers resident to be killed in the Republic of Vietnam, as a result of his longtime Yonkers residence; bravery and unselfish act to defend his platoon and country, the family of Pfc. George Lathan is requesting that Lamartine Avenue and Lamartine Terrace be honorably named "Pfc. George Lathan" and that there is a Honorary Street Naming Ceremony, and

Whereas, at least 50 percent of the number of residents according to the City Assessor's Records adjoining the street(s) or portion of the street(s) proposed for such honorary naming have signed the required petition, and

Whereas, Council Rules of April 2010 require a public hearing take place for such a request, and

Now, therefore be it resolved, that the City Council of Yonkers hereby directs the City Clerk to set a public hearing date for the consideration of a honorary street renaming for the late Pfc. George Lathan.

Be it further resolved, that barring any unforeseen circumstance, a honorary street renaming ceremony may thereafter be scheduled.

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**NEW BUSINESS**

**SPECIAL ORDINANCE**

2. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW,  
MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO,  
GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS GRANT  
BUDGET FOR FISCAL YEAR 2009/2010.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2009/2010 is hereby amended by increasing revenues and appropriations for the Parks Department for a grant from New York State Dormitory Authority sponsored by Assemblyman Michael Spano for the North Yonkers Boys & Girls Club to refurbish the roof and floors of their community center.

**Increase Estimated Revenues**

DASNY	049-G18-1307-7186	\$25,000.00
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**Increase Appropriation**

Parks Dept. – Capital Construction	049-G18-1307-0201	\$25,000.00
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Section 2: The unencumbered balance of such appropriation equals or exceeds the estimated expenditures the City requires for such purpose during the remainder of the budget year.

Section 3: This ordinance shall take effect immediately.

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**SPECIAL ORDINANCE**

3. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW,  
MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO,  
GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS GRANT  
BUDGET FOR FISCAL YEAR 2009/2010.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2009/2010 is hereby amended by increasing revenues and appropriations for the Parks Department for a grant from New York State Dormitory Authority sponsored by Assemblyman Michael Spano for the renovation of classrooms at the Nepperhan Community Center.

**Increase Estimated Revenues**

DASNY 049-G18-1310-7186 \$50,000.00

**Increase Appropriation**

Parks Dept. – Capital Construction 049-G18-1310-0201 \$50,000.00

Section 2: The unencumbered balance of such appropriation equals or exceeds the estimated expenditures the City requires for such purpose during the remainder of the budget year.

Section 3: This ordinance shall take effect immediately.

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**SPECIAL ORDINANCE**

4. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW,  
MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO,  
GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS GRANT  
BUDGET FOR FISCAL YEAR 2009/2010.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2009/2010 is hereby amended by increasing revenues and appropriations for the Parks Department for a grant from New York State Dormitory Authority sponsored by Assemblyman Michael Spano for the construction of the New Yonkers Animal Shelter.

**Increase Estimated Revenues**

DASNY	049-G18-1305-7186	\$100,000.00
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**Increase Appropriation**

Parks Dept. – Capital Construction	049-G18-1305-0201	\$100,000.00
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Section 2: The unencumbered balance of such appropriation equals or exceeds the estimated expenditures the City requires for such purpose during the remainder of the budget year.

Section 3: This ordinance shall take effect immediately.

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**SPECIAL ORDINANCE**

5. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2009/2010.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2009/2010 is hereby amended by increasing revenues and appropriations for the Parks Department for a grant from New York State Dormitory Authority sponsored by Assemblyman Michael Spano for the construction of the Hillcrest Boys & Girls Club community center.

**Increase Estimated Revenues**

DASNY	049-G18-1311-7186	\$75,000.00
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**Increase Appropriation**

Parks Dept. – Capital Construction	049-G18-1311-0201	\$75,000.00
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Section 2: The unencumbered balance of such appropriation equals or exceeds the estimated expenditures the City requires for such purpose during the remainder of the budget year.

Section 3: This ordinance shall take effect immediately.

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**RESOLUTION**

6. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

WHEREAS, the City of Yonkers, has been awarded a \$25,000 grant from the Community Action Assistance Program through the assistance of Assemblyman Mike Spano and Assembly Speaker Sheldon Silver, to aid the North Yonkers Boys and Girls Club to help refurbish the roof and floors of their Community Center and no matching fund contribution is required; and

WHEREAS, the Mayor or the Commissioner of Parks, Recreation and Conservation of the City of Yonkers is hereby authorized to execute any documents necessary to receive such grant;

NOW, THEREFORE BE IT RESOLVED, that the City of Yonkers is hereby authorized to obtain the funds available under the grant; and be it further;

RESOLVED, that this resolution shall take effect immediately.

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**RESOLUTION**

7. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

WHEREAS, the City of Yonkers, has been awarded a \$50,000 grant from the Community Action Assistance Program through the assistance of Assemblyman Mike Spano and Assembly Speaker Sheldon Silver, to aid the Nepperhan Community Center to help refurbish the classrooms in the Center and no matching fund contribution is required; and

WHEREAS, the Mayor or the Commissioner of Parks, Recreation and Conservation of the City of Yonkers is hereby authorized to execute any documents necessary to receive such grant;

NOW, THEREFORE BE IT RESOLVED, that the City of Yonkers is hereby authorized to obtain the funds available under the grant; and be it further;

RESOLVED, that this resolution shall take effect immediately.

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**RESOLUTION**

8. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

WHEREAS, the City of Yonkers, has been awarded a \$100,000 grant from the Community Action Assistance Program through the assistance of Assemblyman Mike Spano and Assembly Speaker Sheldon Silver, to aid the Yonkers Animal Shelter in their construction of a new facility for the shelter and no matching fund contribution is required; and

WHEREAS, the Mayor or the Commissioner of Parks, Recreation and Conservation of the City of Yonkers is hereby authorized to execute any documents necessary to receive such grant;

NOW, THEREFORE BE IT RESOLVED, that the City of Yonkers is hereby authorized to obtain the funds available under the grant; and be it further;

RESOLVED, that this resolution shall take effect immediately.



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**RESOLUTION**

9. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

WHEREAS, the City of Yonkers, has been awarded a \$75,000 grant from the Community Action Assistance Program through the assistance of Assemblyman Mike Spano and Assembly Speaker Sheldon Silver, to aid the Hillcrest Lakers Boys and Girls Club to build a Community Club Facility and no matching fund contribution is required; and

WHEREAS, the Mayor or the Commissioner of Parks, Recreation and Conservation of the City of Yonkers is hereby authorized to execute any documents necessary to receive such grant;

NOW, THEREFORE BE IT RESOLVED, that the City of Yonkers is hereby authorized to obtain the funds available under the grant; and be it further;

RESOLVED, that this resolution shall take effect immediately.

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**RESOLUTION**

10. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of SIX THOUSAND NINE HUNDRED FIFTEEN AND 15/100 DOLLARS (\$6,915.15) of the action entitled, "STATE FARM INSURANCE COMPANY a/s/o JOHN NAUGHTON, plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising out of an accident alleging that a City of Yonkers van struck his vehicle which was parked in front of 507 Midland Avenue, Yonkers, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of SIX THOUSAND NINE HUNDRED FIFTEEN AND 15/100 DOLLARS (\$6,915.15) in favor of said plaintiff.

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**RESOLUTION**

11. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW,  
MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO,  
GRONOWSKI, SHEPHERD AND LARKIN;

BE IT RESOLVED, that the following applicant(s) are hereby  
appointed and/or reappointed to the office of Commissioner of Deeds for a  
period of two years to expire on June 30, 2012.

Peter Anthony Commisso  
50 Raybrook Road  
Yonkers, New York 10704

Excavation

RENEWAL

Amanda Zeeman  
538 Riverdale Avenue  
Yonkers, New York 10705

Legal

RENEWAL

Leonard Spano  
5 Colonial Pkwy North  
Yonkers, New York 10710

Self Employed

RENEWAL

Victoria Smith  
131 Underhill Street  
Yonkers, New York 10710

City of Yonkers

RENEWAL

Gerard Gannon  
120 Colonial Pkwy  
Yonkers, New York 10710

Student

NEW

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**RESOLUTION (CONTINUED)**

Erwin Vazquez  
41 Quarter Avenue  
Yonkers, New York 10705

Westchester County

NEW

Leonard Spano  
510 Midland Avenue 4J  
Yonkers, New York 10704

City Of Yonkers

RENEWAL

Steve Wilgermein  
84 Park Hill Avenue  
Yonkers, New York 10701

City of Yonkers

RENEWAL

Meghan Turnbull  
2535 Cambreling Avenue 2R  
Bronx, New York 10458

Assemblyman Spano

NEW

Kerry Bello  
1 Georgia Avenue 2A  
Yonkers, New York 10708

Assemblyman Spano

NEW

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**RESOLUTION (CONTINUED)**

Laurine A. Porter  
43 Pier Street  
Yonkers, New York 10705

Andrus Children Center

NEW

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**RESOLUTION**

12. BY: COUNCILMEMBER GRONOWSKI, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, SHEPHERD AND LARKIN;

WHEREAS, St. John's Riverside Hospital has an up coming "Tag Sale" event May 22, 2010. St. John's Riverside Hospital has requested permission from the City Council to place a banner in an area promoting this event, and

WHEREAS, St. John's Riverside Hospital has asked that they be permitted to place one (1) banner on the corner of North Broadway and Gateway Road or a destination near and by on or before May 12, 2010 and to be removed as soon after May 22, 2010 as is possible.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to St. John's Riverside Hospital to place one banner in the aforementioned location, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

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**RESOLUTION**

13. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

WHEREAS, the City of Yonkers is a "host community" for video lottery terminals located at Empire City; and

WHEREAS, the Video Lottery Terminals bring enormous benefits to the State of New York in the form of additional dollars to education; and

WHEREAS, under the current state finance statute, a "host community" is entitled to 3.5% of the "estimated net machine income" generated by a video lottery gaming facility located in such eligible city with a cap at \$20 million; and

WHEREAS, Senator Jeff Klein and Assemblyman Michael Spano and have introduced Senate Bill S.1869 and Assembly Bill A5403 an act which amends the state finance law starting on April 1, 2010 and for each state fiscal year thereafter, to allow "host communities" to receive state aid payment equal to seven percent of the "estimated net machine income" generated by a video gaming facility located in the eligible city or forty (40) million dollars, whichever shall be greater; and

WHEREAS, the effect of this bill would be to eliminate the arbitrary cap and allow the funding formula to provide the maximum benefit to the local community it was designed to help; and

WHEREAS, the elimination of this arbitrary cap could provide a \$1.2 million benefit to the City of Yonkers, this year alone.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby declares that the enactment of Senate Bill S.1869 and Assembly Bill A 5403 to amend the state finance law is in the best interest of the City and is essential to improving the City's financial stability and independence; and

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**RESOLUTION (CONTINUED)**

BE IT FURTHER RESOLVED, the City Council of Yonkers strongly urges the State Senate and Assembly to pass this important legislation and for Governor Paterson to sign it into law; and

ALSO RESOLVED, that the City Council requests the City Clerk to forward a copy of this Resolution to the Legislature of the State of New York and Governor Paterson requesting the passage of the aforesaid bills.



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**COMMITTEE REPORTS**